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 EAGLE SYSTEMS INTERNATIONAL, INC., dba
 SYNERGY COMPANIES (erroneously sued herein as
 Synergy Companies and Eagle Systems International, Inc.)

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Attorneys for Plaintiff
 EDWARD I. RUANO

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD I. RUANO,) CASE NO. C07-02679 EMC
)
) Petitioner,) (Alameda County Superior Court Case No.
) HG 07318073)
)

v.) **JOINT STIPULATION AND**
) **[PROPOSED] ORDER ON REMAND**
)

SYNERGY COMPANIES, EAGLE SYSTEMS)
) INTERNATIONAL, INC., DEMAND SIDE)
) ENVIRONMENTAL, LLC., SAL VACARRO,)
) JUAN ORNELAS, and DOES 1 through 20,)
) Inclusive,)
)
) Defendants.)

STIPULATION

Plaintiff EDUARD I. RUANO (“Plaintiff”) and Defendant EAGLE SYSTEMS
 INTERNATIONAL, INC., dba SYNERGY COMPANIES (erroneously sued herein as

GORDON & REES, LLP
ATTORNEYS AT LAW
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Synergy Companies and Eagle Systems International, Inc.) (herein, "Defendant"), through their respective counsel, stipulate as follows:

1. On March 29, 2007, Plaintiff filed his original Complaint in the Alameda County Superior Court, Case No. HG 07318073 (the "State Court"), naming as defendants, SYNERGY COMPANIES, EAGLE SYSTEMS INTERNATIONAL, INC., DEMAND SIDE ENVIRONMENTAL, LLC., SAL VACARRO, JUAN ORNELAS, and DOES 1 through 20, Inclusive (the "Action");

2. On May 23, 2007, Defendant removed the Action on diversity grounds under 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b) based upon contentions that (a) Defendants Eagle Systems and Demand Side Environmental, LLC are Utah corporations with their principal places of business in Orem, Utah and Saint George, Utah, respectively; and (b) that individual defendants Sal Vaccaro and Juan Ornelas were (collectively, the "Individual Defendants") "sham" defendants;

3. Based upon further research, Plaintiff (a) has determined that the legal claims as against the Individual Defendants are deficient and that these defendants will be dismissed with prejudice from the Action; and (b) alleges that he was also employed by Synergy Enterprises, Inc. ("SEI"), allegedly a California corporation. Defendant neither admits nor denies that Plaintiff was employed by SEI;

4. The Action should be remanded to State Court in order that (a) the Individual Defendants may be dismissed from the Action with prejudice, with no costs or fees to be imposed on either side; and (b) Plaintiff may file a First Amended adding SEI and Synergy Environmental, Inc., another entity for whom Plaintiff alleges he worked; and

5. That each of Plaintiff and Defendant, and their respective counsel, believes the other has acted in all matters in good and diligent faith with regards to issues of pleadings and that no costs or fees should be imposed on either side and that the Action should be remanded forthwith to the State Court for further proceedings.

IT IS SO AGREED:

//

GORDON & REES, LLP
ATTORNEYS AT LAW
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1 Dated: June 19, 2007

FITZPATRICK, SPINI & SWANSTON

2
3 By: /S/
4 Daniella Payes, Esq.
5 Attorneys for Plaintiff EDUARD I.
6 RUANO
7

8 Dated: June 19, 2007

LAW OFFICE OF JEROME SCHREIBSTEIN

9
10 By: /S/
11 JEROME SCHREIBSTEIN
12 Attorneys for Defendant
13 EAGLE SYSTEMS INTERNATIONAL,
14 INC., dba SYNERGY COMPANIES
15 (erroneously sued herein as Synergy
16 Companies and Eagle Systems
17 International, Inc.)

ORDER

18 GOOD CAUSE APPEARING, the above-entitled Action is hereby remanded to the
19 Alameda County Superior Court for further proceedings consistent with the parties' above
20 Stipulation. Neither party shall be assessed fees or costs with regards to this order of remand.

21 IT IS SO ORDERED.

22
23 Dated:

HONORABLE EDWARD M. CHEN
United States Magistrate Judge